

**DECISION MEMO  
USDA FOREST SERVICE**

**MOUNTAIN PARKS ELECTRIC, INC.  
FIBER OPTIC CABLE**

Dillon Ranger District of the White River National Forest  
Summit County, Colorado

**I. PROPOSED ACTION**

Mountain Parks Electric, Inc. (MPEI) owns, operates and maintains variable kV electric distribution lines under authorization by special use permits on federal lands ("Mountain Parks Electric, Inc. Master Permit – Summit County – Electric Distribution Circuit", DIL86). MPEI is requesting an amendment to its authorization to allow for installation fiber optic cable to interconnect its substations and three offices. This will enhance electric equipment monitoring, maintenance, and control of substation equipment, switches and transformers, minimize the length of power outages and improve communications between offices in Granby, CO and outposts in Walden and Kremmling. Additionally, the backbone will position MPEI to be able to adopt technologies that may help manage future wholesale power costs, benefitting all of its customers.

MPEI is considering the possibility of leasing some of the installed fiber optic cable to other businesses that will be able to provide high-speed internet to the home, however, this will require obtaining permission from private land owners along the route. At present MPEI does not have this permission, and MPEI is requesting that land use fees be waived as MPEI is an RUS borrower. If and when MPEI is able to lease out the fiber optic cable, MPEI plans to pay land use fees for the portion of fiber optic cable on National Forest lands.

The proposed cable route will be about 154 miles in length. It will start in Fraser, CO follow highway 40 to Winter park, Granby, Kremmling and north to Hwy 14, then follow Hwy 14 to Hwy 125 through Walden, terminating 5 miles north of Walden. It will also go north of Granby to Grand Lake and south of Kremmling to Green Mountain Reservoir where MPEI has substations and to three communications sites (Grouse Mountain, North Cottonwood and Pederson communications sites). It will also go south on Grand County Road 3 to the Williams Fork Direct Transfer Trip. The route crosses Jackson, Grand and Summit counties and National Forest lands on the Arapahoe/Roosevelt, Routt and White

River National Forests. Each National Forest will be evaluating the request specific to its jurisdiction and issuing separate authorizations as needed.

The portion of the project on lands administered by the Dillon Ranger District of the White River National Forest is located in Sections 11, 14 and 15, Township 2 South, Range 80 West, in Summit County, Colorado. (See Figure 1. Mountain Parks Electric, Inc, Fiber Optic Line.) The project involves construction, operation and maintenance of a fiber optic telecommunication line (144 strands or less) within the existing electric distribution line right-of-way north of Green Mountain Reservoir. Improvements include approximately 1.51 miles of underground cable installed in a 2.5" PVC conduit within 5 feet of the existing electric power line along Heeney Road (Summit County Road 30); and 560 feet of overhead cable on existing electric power line poles north of the Green Mountain Reservoir Dam.

The cable will use the route of the "Blue Valley to Troublesome" electric distribution line that serves cabins, ranchers and customers in the north end of Summit County and southwest corner of Grand County and provides backup supply to the Town of Heeney and vicinity served by MPEI's Blue Valley Substation. The new cable will be made up of 144 strands (or less) and the diameter of the cable and will be less than 1 inch. In areas where MPEI has existing overhead poles the cable will be installed 40 inches below the existing electric conductor. If other communications lines are already hung on the poles, MPEI will install the new cable within 1 foot of those conductors.

The project will be situated within the 20 foot right-of way of the existing MPEI special use permit (DIL86). MPEI's ingress and egress to the fiber lines along the proposed route for the purpose of construction and maintenance will be from established roads or from traveling within the currently permitted right-of-way.

## II. DECISION

It is my decision to amend the Mountain Parks Electric, Inc. Master Permit – Summit County – Electric Distribution Circuit, (DIL86) to include the construction, operation and maintenance of a fiber optic telecommunication line (144 strands or less) within the existing right-of-way of the Blue Valley to Troublesome Electric Distribution Line north of Green Mountain Reservoir. The decision is pursuant to the authorities directed in the Federal Land Policy and Management Act, as amended October 21, 1976.

MPEI's request for exemption status of the annual land use fee, pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, Chapter 30, will be evaluated at REA and may take several months or years to determine eligibility. Until that determination is made, MPEI will not be charged an annual land use fee. However, if the decision on the determination rejects MPEI's eligibility, MPEI will be charged annual rent which may include back rental for this land use authorization.

### III. CATEGORY OF THE PROPOSED ACTION

The proposal meets criteria for actions to be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The proposed action falls under Category Number 2, in Section 31.2 of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook: “Additional construction or reconstruction of existing telephone or utility lines in a designated corridor. Examples include but are not limited to: a. Replacing an underground cable trunk and adding additional phone lines. b. Reconstructing a power line by replacing poles and wires.”

Based on an environmental analysis and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environments.

### IV. FINDINGS OF NO EXTRAORDINARY CIRCUMSTANCES

There are no conditions that would constitute an extraordinary circumstance related to the proposed permit. This conclusion is based on an interdisciplinary team review of the site and project proposal as well as knowledge of similar past projects and professional judgment.

*Steep slopes or highly erosive soils* – Highly erosive soils are not present at the site. The majority of the proposed activity would be confined to existing use areas, which are currently hardened and thus not susceptible to erosive forces.

*Threatened and endangered species or their critical habitat* – No threatened or endangered species or their critical habitat will be adversely affected by issuance of the private road easement. A biological analysis was conducted in July 2006 which concluded the project would have “no effect” on all Threatened or Endangered Species due to the lack of habitat for most species and design criteria to protect Bald Eagles.

*Floodplains and wetlands* – The proposed special use permit would not occur within any floodplains or wetlands and thus there would be no effect to these types of areas.

*Municipal watersheds* – The proposed special use permit occurs in a general watershed used for municipal water supplies. However, this does not constitute an extraordinary circumstance because the majority of all watersheds in the State of Colorado are municipal watersheds. In addition, impacts to water quality from the proposed permit would be negligible as evidenced by the existing ongoing activities. Continuation of the proposed activity would have no change to water quality.

*Congressionally designated areas* – The proposed special use permit would not occur within or adjacent to any Congressionally designated areas, such as wilderness areas,



wild or scenic rivers, or National Recreation Areas, and thus would have no effect on these types of areas.

*Inventoried roadless areas and Research Natural Areas* – The proposed easement does not occur in any inventoried roadless areas or Research Natural Areas, and thus would have no effect on these types of areas.

*Native American religious or cultural sites, archeological sites or historic properties or areas* – A Cultural Resource survey was conducted in the summer of 2006. Several sites were recorded. MPEI will retain the services of a qualified professional archaeologist to ensure that any exposed cultural remains are properly documented and treated if necessary at the known sites, and, monitor the trench excavation process as earth disturbing activities may disclose as yet undiscovered cultural remains below the surface

This action does not involve any extraordinary circumstances. Therefore, this action can be categorically excluded from documentation in an environmental assessment or environmental impact statement.

## V. SCOPING/ISSUES

Scoping of issues and concerns for this project included conversations and field visits with Dillon Ranger District staff, the proponent, Summit County Road and Bridge Department. No outstanding issues were identified during the internal scoping process related to this proposal.

## VI. FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations. I have summarized pertinent ones below.

Federal Land Policy and Management Act – the regulations at 36 CFR 251 guide the issuance of permits under this Act. Permits are granted across National Forest System Lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with the Act.

Forest Plan Consistency (National Forest Management Act) – This decision is consistent with the White River National Forest Resource Management Plan – 2002 Revision (Forest Plan) as required by the National Forest Management Act. The actions in this project comply fully with the goals of the Forest Plan, the Management Area Direction, including that contained under the management prescription 5.41 (Deer and Elk Winter Range), and the Forest-wide standards and guidelines (See Chapter II of the White River Land and Resource Management Plan, 2002 Revision).

This decision is intended to respond to the following Forest Plan Goals and Objectives:

*Goal 2 – Multiple Benefits to People.* Provide a variety of uses, products, and services for present and future generations by managing within the capability of sustainable ecosystems.

*Objective 2c* - Improve the capability of national forests and rangelands to sustain desired uses, values, products, and services.

*Strategy 2c.11* - Over the life of the plan, approve special-use proposals that are consistent with desired conditions, standards, and guidelines.

Endangered Species Act – See “Reasons for Categorical Exclusion” section above. The project complies with ESA Section 7 consultation requirements.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Watershed Conservation Practices. This decision incorporates Watershed Conservation Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See “Reasons for Categorical Exclusion” section above.

Floodplains (Executive Order 11988) - See “Reasons for Categorical Exclusion” section above.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. There are no known caves in the project area. This decision will have no impacts to cave resources.

Native American Graves Protection and Repatriation Act - See “Reasons for Categorical Exclusion” section above. This act requires that if inadvertent discovery of Native America Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the Authorized Officer, as well as the appropriate Native American group(s).

National Historic Preservation Act – See “Reasons for Categorical Exclusion” section above. This act requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13).

Archaeological Resources Protection Act – See “Reasons for Categorical Exclusion” section above.

Wild and Scenic Rivers Act – See “Reasons for Categorical Exclusion” section above. There are no designated Wild and Scenic Rivers in the project area. This decision will have no impacts to Wild and Scenic Rivers.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Floodplain, wetlands, prime lands, threatened and endangered species, minerals, and cultural resource management implications have been considered and these resources will not be adversely affected.

No specific monitoring is recommended for this project with regard to the sensitive species or their habitats.

## VII. IMPLEMENTATION DATE

Implementation of this decision may begin immediately.

## VIII. ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITIES.

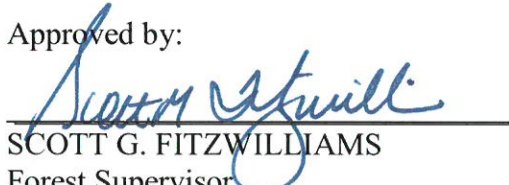
The approved activities within this decision are not subject to appeal in accordance with the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014). Section 431 of the Act directs that the 1993 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) ... "shall not apply to any project or activity implementing a land and resource management plan...that is categorically excluded...under the National Environmental Policy Act (NEPA)."

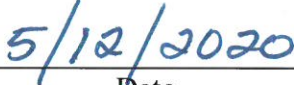
This decision may be appealed under 36 CFR 251.80 Subpart C for those who those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands relevant to this decision.

## IX. CONTACT INFORMATION

For further information concerning this decision, contact Paul Semmer, Project Lead, by letter (Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498), by telephone (970) 468-5400, by fax (970) 468-7735, or by e-mail at [psemmer@fs.fed.us](mailto:psemmer@fs.fed.us).

Approved by:

  
SCOTT G. FITZWILLIAMS  
Forest Supervisor

  
Date



## White River National Forest

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Figure 1.

MOUNTAIN PARKS ELECTRIC, INC.  
FIBER OPTIC CABLE

